

Staff Report

HEARING DATE: Wednesday, May 8, 2013

TO: Planning Commission

FROM: Jana Fox, Associate Planner

PROPOSAL: **Timberland Commercial Town Center
DR2013-0013, LO2013-0001, VAR2013-0001**

LOCATION: Map 1N134CC, Tax Lot 1100

SUMMARY: The applicant, Gramor Development, requests approval by the Planning Commission to construct a new commercial development of approximately 100,000 square feet of retail and service space. The proposal includes seven new buildings, including an anchor tenant building of approximately 46,000 square feet. The applicant requests a Loading Determination for the six smaller buildings to provide loading in parking spaces instead of traditional loading berths. Additionally the applicant requests a sign variance to allow tenant blade signs over storefronts and a freestanding sign to be located within 300 feet of another freestanding sign. These freestanding signs are proposed to be placed near vehicle entrances to the site.

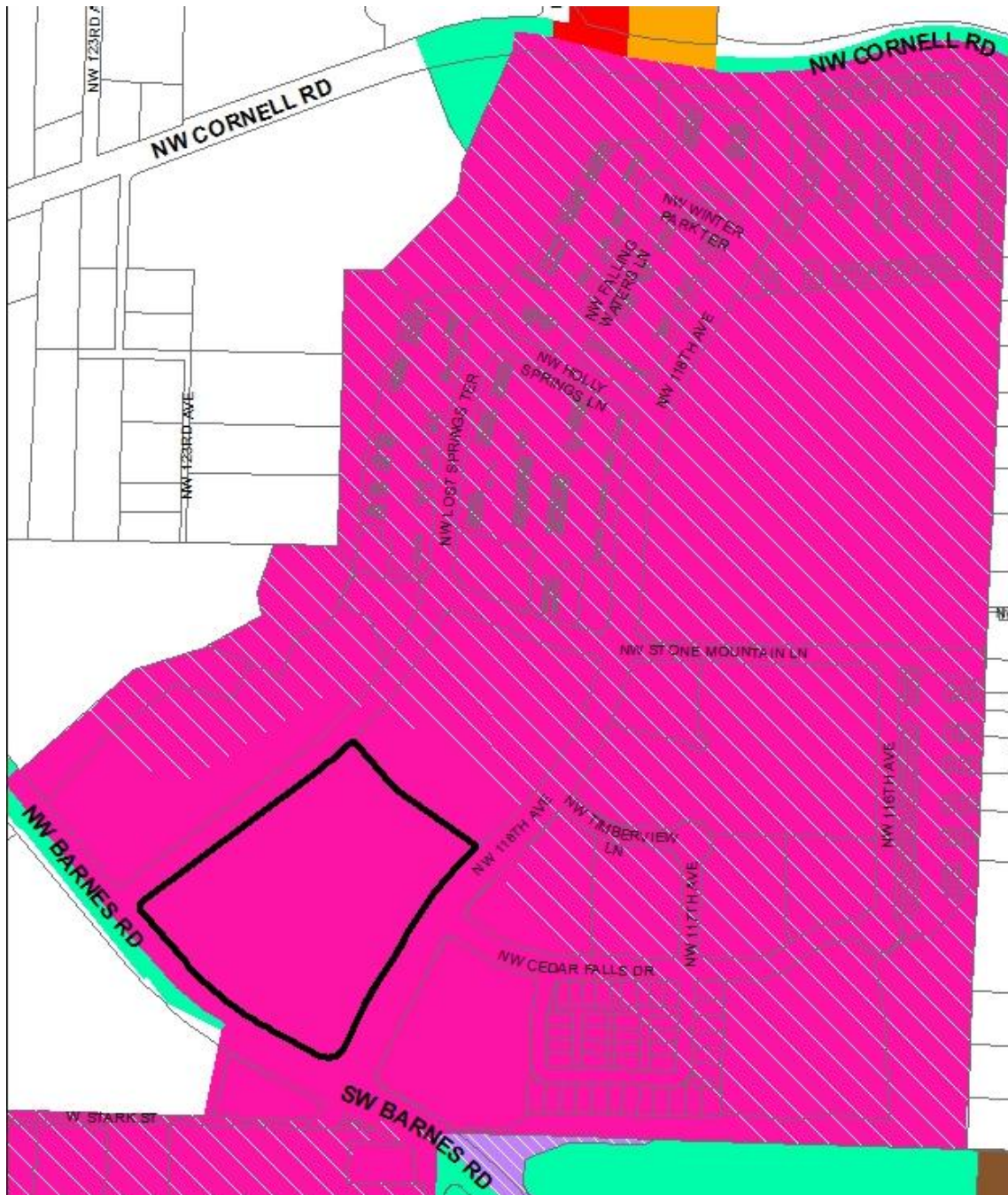
APPLICANT: Timberland Town Center LLC
Attn: Matt Grady
19767 SW 72nd Ave, Suite 100
Tualatin, OR 97062

APPLICANT REPRESENTATIVE: MGH Associates
Attn: Mike Miller
104 W 9th #207
Vancouver, WA 98660

PROPERTY OWNER: Polygon First Commercial Property LLC
Attn: Fred Gast
109 E 13th St
Vancouver, WA 98660

RECOMMENDATIONS: **APPROVAL of DR2013-0013, LO2013-0001, VAR2013-0001 (Timberland Commercial Town Center)** subject to conditions identified at the end of this report.

Vicinity Map



**Timberland Commercial Town Center
DR2013-0013 / LO2013-0001 / VAR2013-0001**

BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Application Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
DR2013-0013	February 22, 2013	March 20, 2013	May 8, 2013	November 15, 2013
LO2013-0001	February 22, 2013	March 20, 2013	May 8, 2013	November 15, 2013
VAR2013-0001	February 22, 2013	March 20, 2013	May 8, 2013	November 15, 2013

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	TC-MU Town Center-Multiple Use	
Current Development	The property is currently vacant. SNW Cedar Falls Drive is currently under construction as part of the adjacent residential multi-family development.	
Site Size & Location	The subject site is bound by NW Barnes Road, NW 118 th Avenue, NW Cedar Falls Drive, and NW Lost Springs Terrace. The total site area occupies approximately 7.4 acres.	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u> North: <i>Town Center-High Density Residential (TC-HDR)</i>	<u>Uses:</u> North: Multi-Family Dwellings
	South: <i>Washington County</i>	South: Multi-Family Dwellings
	East: <i>Town Center-Multiple Use (TC-MU)</i>	East: Vacant
	West: <i>Town Center-High Density Residential (TC-HDR)</i>	West: Multi-Family Dwellings

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Attachment B: DR2013-0013 <i>Design Review (Type 3)</i> reviews a new commercial development and associated site and parking.	DR1-DR17
Attachment C: LO2013-0001 <i>Loading Determination (Type 2)</i> reviews a reduction in required loading berths.	LO1-LO4
Attachment D: VAR2013-0001 <i>Variance (Type 3)</i> reviews proposed blade signage and freestanding signs less than 300 feet apart.	VAR1-VAR9
Attachment E: Conditions of Approval	COA1–COA8

Exhibits

Exhibit 1. Materials submitted by Staff

- Exhibit 1.1 Detail Map (page SR-2 of this report)
- Exhibit 1.2 Aerial Map (page SR-3 of this report)
- Exhibit 1.3 Letter from Washington County DLUT, dated April 22, 2013

Exhibit 2. Public Comment

None Received

Exhibit 3. Materials submitted by the Applicant

- Exhibit 3.1 Submittal Package including plans.

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Timberland Commercial Town Center
DR2013-0013 / LO2013-0001 / VAR2013-0001**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:

- **All eleven (11) criteria are applicable to the submitted Design Review Three application as submitted.**
- **Facilities Review criteria do not apply to the Loading Determination and Variance applications.**

A. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. Most of the critical public facilities and services have been constructed in the earlier phases of the Teufel Master Plan. The Committee finds that the proposal includes necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

Water Service will be provided to the site by Tualatin Valley Water District (TVWD). TVWD evaluated the water system with the Teufel Master Plan and determined that adequate capacity exists to serve all phases of the development. The development proposes to connect into the 12-inch water line which is installed in NW Cedar Falls Drive.

Development of the subject site will involve the extension of the gravity sanitary sewer line to connect to the existing sewer line in NW 118th Avenue. Adequate capacity exists to serve the proposed development.

Proposed stormwater drainage has been identified and described in the applicant's narrative and plans. The applicant has submitted an addendum to the preliminary drainage report (Exhibit H of the materials package). The Committee has found the

report and associated utility plans to be adequate in addressing the site's on-site surface water management (drainage patterns, treatment and quantity control). The storm system has been designed to convey to the existing detention facility/pond (abutting the development site to the east) built in previous phases of the Teufel Master Plan.

To ensure appropriate design and construction of the essential facilities and utility connections, provide access to manholes and structures, and to ensure adequate maintenance requirements the Committee recommends conditions of approval through the Design Review application.

A Traffic Impact Analysis (TIA) letter, dated January 25, 2013 has been submitted by Kittelson and Associates to update the traffic analysis dated April 2004, also prepared by Kittelson & Associates, for the original PUD approval in 2004 of the 105 acre Master Plan. In the 2004 study, the total development proposed was 300,000 square feet of commercial/retail and 1,300 attached housing units. The latest Kittelson Report indicates that some of the area south of Stone Mountain Road has been converted from commercial development to residential uses. In addition, the overall intensity of the entire site are lower than what was originally forecasted in 2004.

Since the 2004 approval, NW 118th Avenue (Collector Street) has been constructed through the development from NW Cornell Road (Arterial Street) to NW Barnes Road (Arterial Street). The NW Barnes Road frontage of this site has been improved with the Washington County Barnes Road Improvement Project and the NW Cornell Road frontage has been improved by the Teufel project.

The transportation system is found to have adequate capacity to serve the proposed development at the time of completion. The Timberland Commercial Town Center proposal generates less traffic than identified in the Teufel Planned Unit Development (PUD) Traffic Impact Analysis (TIA); and all transportation facilities related to the development have been constructed or are proposed for construction as part of the Town Center. Staff does not recommend any additional transportation improvements or mitigation measures other than those required through the Teufel PUD approval and shown in the current proposal.

Build-Out Estimates

The Timberland Commercial Town Center proposal is one seven acre phase of the 107-acre Teufel Planned Unit Development (PUD) that was approved in 2004 (file number CU2004-0015). The Teufel PUD included a transportation impact analysis (TIA), which estimated traffic generation based upon certain build-out densities of approximately 300,000 square feet of commercial, about 1,300 attached residential units, and 42 detached residential units. Build-out densities have changed since the approval in 2004. The current proposal indicates that the Teufel PUD at total build-out will be approximately 150,000 square feet of commercial, of which approximately 100,000 square feet of commercial will be located at the Timberland Commercial Town Center.

The remaining 50,000 square feet of commercial floor area is planned for the area east of 118th Avenue and is not part of the current proposal. Also, about 1,200 attached residential units are scheduled to be constructed at full build out, with about 1,100 units

constructed to date. All of the 42 proposed detached residential units have been constructed.

The table below illustrates the original and revised assumptions for the Timberland PUD development, as reflected in the transportation memo revising the original TIA.

	Original PUD Approval	Revised
Attached Dwelling Units	1,300	1,200
Detached Dwelling Units	42	42
Commercial Space	300,000 sf	150,000 sf

Traffic Impact: Teufel PUD & the Timberland Town Center

A memo was submitted by Kittelson & Associates, dated January 25, 2013, which updates the original Teufel PUD TIA in light of the current Timberland Town Center proposal. The primary findings of the Kittelson memo include the following:

1. The updated trip generation estimates show about 2,650 fewer daily trips, 75 fewer weekday a.m. peak hour trips and 250 fewer weekday p.m. peak hour trips than originally estimated in the 2004 study.
2. A new TIA is not required as the proposal does not exceed the City's TIA threshold requirement (200 additional trips per day on average).
3. No additional off-site mitigation measures are needed to support the build-out of the Timberland Town Center.
4. The updated queuing analysis at the NW Cedar Falls/118th Avenue intersection indicates that with all-way stop control the 95th percentile queue during the peak periods is estimated at 50 feet and can be accommodated within 75 feet of the eastbound left-turn storage at the intersection.

Transportation Improvements: Completed & Outstanding

Completed

The Teufel PUD approval required certain transportation improvements, most of which have been completed. The improvements that are complete within in the vicinity of the Town Center proposal include the following:

1. NW 118th Avenue street improvements and right-of-way dedication.
2. NW Lost Springs Terrace street improvements and right-of-way dedication.
3. Traffic signal installation at the intersection of 118th Avenue and NW Barnes Road.
4. Traffic signal installation at the intersection of 118th Avenue and Cornell Road.
5. NW Barnes Road street improvements and right-of-way dedication. NW Barnes Road is under the jurisdiction of Washington County and street improvements were completed through the County's Major Streets Transportation Improvement Program (MSTIP).

6. NW Cedar Falls Drive street improvements that comprise of paving, curb, and striping.

Outstanding

Outstanding transportation infrastructure improvements, which are proposed to be completed with the Timberland Commercial Town Center development, include the following:

1. NW 118th Avenue frontage improvements including curb, sidewalk, street trees, and street lights along the west side of NW 118th Avenue.
2. NW Lost Springs Terrace frontage improvements including sidewalk, street trees, street lights, and special pavement at pedestrian crossings.
3. NW Cedar Falls Drive on-street parking, street trees, and sidewalk.

The applicant has constructed NW Cedar Falls Drive in a previous phase of development. The applicant and the Public Works Department have agreed that the travel lanes shall be dedicated as a public street and a public access easement will be given for the parking and sidewalk areas. The Public Works Department prefers that the sidewalk is privately maintained as the proposal shows the use of paver stones, which typically require more frequent maintenance than a typical concrete sidewalk. As such, staff recommends a condition of approval that prior to occupancy the applicant execute the dedication and easement.

Washington County Department of Land Use and Transportation has reviewed the development proposal as it pertains to NW Barnes Road, a County-maintained Arterial Road. Washington County and City staff have worked with the applicant to revise the site plan to accommodate the necessary turning radii of a WB-62 truck which is necessary for the grocery anchor tenant. The applicant has submitted an addendum plan revision showing the necessary changes to NW Lost Spring Terrace and the interior site in order to accommodate the larger truck. Washington County and City staff agree that the revisions will allow for safe movement of a WB-62 truck through the site without interfering with vehicular or emergency access. Staff recommends a condition of approval that at the time of Site Development Permit that all plan sheets are shown to be consistent with EX4.6 Truck Movements through Commercial Area plan provided by the applicant, understanding that minimal landscape and site changes will be necessary to accommodate the new layout.

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Comments and conditions of approval have been received from TVF&R. Conditions of approval submitted by TVF&R are included herein. Staff also cites the findings for Criterion H hereto regarding fire prevention.

The Committee finds that the development will provide required critical facilities, as conditioned. Therefore, the Committee finds the proposal meets the criterion for approval.

FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five years of occupancy.

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant’s plans and materials were forwarded to City Transportation staff, City Police Department, and Tualatin Valley Fire and Rescue.

The site will be served by the Tualatin Hills Park and Recreation District (THPRD). THPRD Master Trail Plan has an identified Community Trail encircling the entire Teufel development. The Teufel Master Plan approval included conditions of approval related to the timing and details of trail construction. The trail does not run through this portion of the development but connects via the public sidewalk along NW Barnes Road. The majority of the trail segments have been completed with the exception of one remaining trail segment through the commercial area to the east of NW 118th Avenue.

All proposed transportation improvements as part of the Timberland Commercial Town Center are required to be complete prior to occupancy. As of the date of this review the applicant has not submitted a request to extend the construction deadline beyond the date of occupancy.

The City of Beaverton Police will serve the development site. The Police Department has submitted no comments or recommendations to the Facilities Review Committee.

The Beaverton School District was not provided plans to review as this portion of the development only contains commercial construction which will not affect school enrollment.

Tri-Met will serve the development site. Tri-Met has submitted no comments or recommendations to the Facilities Review Committee. The site is most directly served by bus line 62 on NW Barnes Road. Tri-Met has not identified the need for additional transit stops related to this development. During the review of the original Teufel Master Plan, Tri-Met requested that NW 118th Avenue be constructed to accommodate busses. This street was constructed with previous phases.

FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

C. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject proposal.

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Town

Center- Multiple Use (TC-MU) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets all applicable standards of the zone. No Variance or Adjustment applications were submitted for the Site Development Standards of Chapter 20.

FINDING: Therefore, the Committee finds that the proposal meets the criterion.

D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Regulations) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Regulations), are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria. Staff will provide findings for the applicable Design Review Standards, Code Section 60.05 within the Design Review section of the staff report.

Section 60.25 Off-Street Loading

The applicant proposes to provide two internal loading berths in the anchor building and has applied for a Loading Determination application to provide loading areas in parking spaces instead of formal loading berths in the smaller tenant spaces. The proposal shows an atypical loading area for the proposed anchor building. The proposed loading zone utilizes the parking lot, and pedestrian and vehicle travel lanes to access the loading berth. Typically loading zones are separated from pedestrian and vehicle traffic, in part, to ensure safety and ease of loading. Staff will review the applicants plans for addressing potential conflicts between pedestrians, vehicles, and the loading berths in the anchor store with the Loading Determination application.

Section 60.30 Off-Street Parking

The proposal includes 100,642 square feet of gross floor area, which comprises of retail, office, banking, medical office, and restaurants. For the combination of uses the Development Code requires a minimum total of 302 vehicle parking spaces. The proposal shows a total of 388 vehicle parking spaces. A total of 71 parking spaces, or about 19 percent of the total, are designed as compact spaces. A total of 12 ADA stalls are provided.

The proposal does not include a specific number or design of short-term and long-term bicycle parking. For the proposed uses the Development Code requires a total of 16 short-term bicycle parking stalls and a total of 16 long-term bicycle stalls. The site has adequate space and locations to meet the bike parking requirements. Staff recommends, as a condition of approval, that the applicant submit a revised plan that shows the minimum required amount, location, and design of short-term and long-term bicycle parking.

Section 60.55 Transportation Facilities

Traffic

Please see Section A. The transportation system is found to have adequate capacity to serve the proposed development at the time of completion. The Timberland Commercial Town Center proposal generates less traffic than identified in the Teufel PUD TIA. All transportation facilities related to the development have been constructed or are proposed for construction as part of the Town Center. Staff does not recommend any additional transportation improvements or mitigation measures other than those required through the Teufel PUD request and shown in the current proposal.

Street, Bicycle, and Pedestrian Connections & Circulation

The proposal includes street extensions of NW Cedar Falls Drive, NW Lost Springs Terrace, and NW 118th Avenue. The street extensions provide for collector and local street connectivity. No additional streets are recommended.

All streets adjacent to the site (NW Lost Springs Terrace, NW Barnes Road, NW 118th Avenue), and through the site (NW Cedar Falls Drive) include pedestrian pathways. The proposal includes many internal pedestrian pathways adjacent to buildings, between buildings, through parking areas, and adjacent to parking areas, all of which provide connection to the public street system and adjacent site to the north. No additional pedestrian connections are recommended.

Striped bicycle lanes are found on NW 118th Avenue and NW Barnes Road. Striped bicycle lanes are not proposed for NW Cedar Falls Drive or NW Lost Springs Terrace as the streets are designed as low speed local streets, which allow for travel lane sharing between vehicle and bicycle traffic. No additional bicycle facilities are recommended. The applicant has submitted a revised truck turning diagram and site plan which can accommodate a WB-62 semi-truck with trailer and is able to enter, circulate the site, and exit without encroachment into parking and landscaping areas.

Street Width

Adjacent streets (NW Lost Springs Terrace, NW Barnes Road, NW 118th Avenue) have adequate right-of-way width that meets the minimum dimensional standards of the Beaverton Engineering Design Manual. Staff recommends, as a condition of approval, the applicant submit plans and execute right of way dedication for the NW Cedar Falls Drive travel lanes (24' to 36' due to three travel lanes at the 118th Avenue intersection). The condition further requires the applicant to record a public access easement for the parking and sidewalk between the NW Cedar Falls Drive travel lanes and buildings C, D, E, and F.

Access

The primary access for the site will be taken from NW Cedar Falls Drive. This access is consistent with the PUD approval and minimum intersection spacing standard for local streets per the Beaverton Engineering Design Manual. The Timberland Town Center proposal includes one driveway, which takes direct access onto NW Lost Springs Terrace. The proposed driveway location exceeds the minimum 50 foot driveway spacing standard, with a driveway located about 230 feet from the NW Lost Springs Terrace / NW Barnes Road intersection. No additional driveways are recommended.

Staff notes that the proposal does not include a site distance or corner clearance analysis for the driveways and intersections. There is no apparent hindrance to vision clearance for motorists. However, in order to ensure visibility at intersections, as a condition of approval staff recommends that the applicant provide revised plans that demonstrate compliance with the site distance and corner clearance standards of the Beaverton Engineering Design Manual (Section 210.10).

Transit

TriMet's No. 62 – Murray Boulevard bus line runs along Barnes Road adjacent to the proposed Timberland Town Center. The No. 62 runs between Washington Square, Beaverton and Sunset Transit Center, along Scholls Ferry Road, Murray, Millikan, Hocken, Jenkins, Cornell and Barnes. No additional transit facilities are recommended.

To meet the requirements of Section 60.65, staff recommends a standard condition of approval requiring that utility lines are placed underground.

FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to maintenance by the City or other public agency.

The applicant's identifies that private common facilities such as plazas, expanded sidewalks, enhanced pavement treatments and additional amenities will be maintained by the owners of the development or their management agency. Staff finds nothing in the design or layout of the common facilities that would preclude adequate maintenance of the site.

Additionally, staff does not foresee any conflict with garbage service to the development as proposed. However, the applicant should work with the hauler to identify any potential conflicts with garbage service prior to construction. A condition of approval is recommended where the applicant would be required to identify service needs with the hauler and resolve any conflicts, prior to Site Development Permit issuance.

FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

The proposed internal pedestrian pathway system is efficient as pathways are located adjacent to buildings, between buildings, through parking areas, and adjacent to parking

areas, all of which provide connection to the public street system and adjacent site to the north. All internal pedestrian pathways that cross intersections or travel lanes include unique materials, color, or pattern which differentiate the pathway from the travel lane. This visual differentiation provides for improved safety as drivers are made aware of pedestrian crossings.

FINDING: Therefore, the Committee finds that the proposal meets the criterion

G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

The site's vehicular and pedestrian circulation system connects to the surrounding circulation system in a safe, efficient, and direct manner, in conformance with Development Code Sec 60.55.25. For additional findings please refer to criterion D and criterion F.

FINDING: Therefore, the Committee finds that the proposal meets the criterion.

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

Preliminary comments and conditions of approval have been received from Tualatin Valley Fire and Rescue District (TVF&R). Specific details regarding fire flow and hydrant placement will be reviewed for flow calculations and hydrant locations during site development and building permit stages.

The Committee concludes that, subject to meeting the conditions of approval the site can be designed in accordance with City codes and standards and provide adequate fire protection.

FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from hazardous conditions due to inadequate, substandard or ill-designed development.

The applicant shall be required to show a public street lighting plan prior to Site Development Permit issuance. By meeting the City of Beaverton's Engineering Design Manual design standards for street lights, the Committee finds that the street illumination system will provide adequate protection from crime and accident. The applicants lighting plan will be discussed further within the Design Review staff report, as lighting relates to private drives and private common open space.

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development.

FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

The applicant's response to J explains how the site was previously mass-graded as part of the development of the infrastructure to support the master plan. The applicant's response to J also notes that grading and contouring of the site are further proposed to achieve the development plan.

The applicant states that the proposed commercial buildings are designed to accommodate the new grades which have been largely dictated by the existing street grades at NW 118th Avenue and NW Cedar Falls Drive. Additional grading and placement of retaining walls is proposed. Staff concurs with the applicants statement in response to criterion J.

The applicant must show compliance with Site Development erosion control measure at the time of Site Development permit issuance.

FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, the street sidewalks and walkways internal to the development appear to meet applicable accessibility requirements and through the site development and building permitting reviews will be thoroughly evaluated. Therefore, the Committee finds that by meeting the conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.65 and the criterion will be met.

FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion for approval.

L. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

The applicant submitted the applications on February 22, 2013 and was deemed complete on March 20, 2013. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

FINDING: Therefore, the Committee finds the proposal meets the criterion for approval.

Code Conformance Analysis

Chapter 20 Use and Site Development Requirements

Town Center-Multiple Use Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.20.20 (Town Center-Multiple Use)			
Use- Permitted	Retail, Eating & Drinking, Office, Service.	Shopping Center (Retail, Eating & Drinking, Office, Service)	Yes
Use Restrictions	22. No more than 50% of any one property may be developed for a single use type until a commitment has been made to develop a different class of use equivalent to at least 20% of the floor area occupied by the primary use.	The applicant proposes a mix of uses for the site which includes, retail, eating & drinking, office and service uses.	Yes
	26. This activity is conducted wholly within an enclosed structure. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of 15% of the building gross floor area. No sales or outdoor storage of animals or livestock are allowed with this use.	The applicant states that activities will be conducted within an enclosed structure. The applicant does propose outdoor plaza areas for visitors to gather and/or eat but these areas are not devoted to specific tenants or uses.	Yes
	33. Individual uses larger than 50,000 square feet are Prohibited except on those parcels which are less than three net acres in size as formed by a grid of public or private streets.	No individual uses larger than 50,000 sq. ft. are proposed. The anchor grocery store will be less than 50,000 square feet in size.	Yes
Development Code Section 20.20.15			
Minimum Lot Area	none	n/a	Yes
Minimum FAR	0.5	Applicant uses a DRBCP to show that 0.5 FAR is attainable with future intensification of the site.	Yes
Minimum FAR w/ DRBCP or PUD	0.35	Applicant shows meeting the minimum 0.35 FAR in conjunction with a DRBCP showing future intensification of the site is possible to meet the minimum 0.5 FAR.	Yes
Maximum FAR	1.00	Applicant proposes to meet 0.36 FAR and shows future	Yes

		development potential to meet 0.5 FAR through a DRBCP.	
Maximum FAR with PUD or DRBCP	2.00	Applicant proposes to meet 0.36 FAR and shows future development potential to meet 0.5 FAR through a DRBCP.	Yes
Minimum Corner Lot Dimensions Width Depth	none none	n/a n/a	Yes
Minimum Yard Setbacks Front Side Rear	0 none none	n/a n/a n/a	Yes
Maximum front yard setbacks on Major Pedestrian Routes	Governed by Design Review	Assessed through the Design Review Three process.	See DR Findings
Minimum Building Height	Governed by Design Review	Assessed through the Design Review Three process.	See DR Findings
Maximum Building Height	60 feet (TC-MU)	Buildings range in height from 20 feet to 32 feet 6 inches.	Yes

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	New attached residential buildings, lighting, landscaping, open spaces, paths, and other associated improvements will be addressed in the Design Review staff report findings.	Refer to DR findings
Development Code Section 60.07			
Drive-Up window facilities	Requirements for drive-up, drive-through and drive-in facilities.	No drive-up window facilities are proposed.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	100-year floodplain (Johnson Creek) is located in close proximity to the site but not within. No fill is proposed within floodplain area. Restoration and enhancement of wetland areas was approved with Teufel Master Plan.	N/A
Development Code Section 60.12			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development techniques proposed.	N/A
Development Code Section 60.15 – Land Division Standards			
Land Division Standards	Standards pertaining to subdivisions, partitions, replats and property line adjustments.	No land division is proposed.	N/A
Development Code Section 60.25 – Off Street Loading			
Loading Facilities	Each building requires a loading berth and the proposed grocery anchor requires two, for a total of 8 required type B loading berths	The applicant has applied for a Loading Determination to provide less than the required number of loading berths for the development. The grocery anchor will have two loading berths and the smaller buildings will have loading from vehicle parking spaces.	See LO findings
Development Code Section 60.30 – Off-Street Parking			
Off-street motor vehicle parking Parking Zone A	<u>Shopping Center</u> 3 spaces per 1000 sq. ft. of retail (including shopping centers) Minimum: 302 parking spaces for (100,642 sq. ft. of floor area)	<u>Shopping Center</u> 388 parking spaces provided The applicant does not provide a	YES w/ COA

Required Bicycle Park	Short term: 16 required short term spaces. Long term: 16 required long term spaces.	detailed bike parking plan, which must be provided as a condition of approval prior to Site Development Permit Issuance	
Compact Spaces	No more than 20% of the required parking spaces may be compact.	The applicant is not requesting more than 20% compact parking spaces.	YES
Development Code Section 60.55 - Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes- with COA
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No trees are to be removed. No pruning of trees with this application.	N/A
Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	The applicant states that all proposed power and telecommunications lines will be placed underground. To ensure the proposal meets requirements of this section, staff recommends a condition requiring undergrounding completion prior to occupancy.	Yes- with COA

RECOMMENDATION

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority **APPROVE** the **Timberland Commercial Town Square (DR2013-0013, LO2013-0001 and VAR2013-0001)** and adopt the conditions of approval identified in Attachment E.

DR2013-0013
ANALYSIS AND FINDINGS FOR
DESIGN REVIEW THREE APPROVAL

Planning Commission Standards for Approval:

Section 40.20.15.3.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Design Review Applications. The Commission will determine whether the application as presented, meets the Design Review Three approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Type 3 Design Review.

Section 40.20.15.3.C Approval Criteria: In order to approve a Design Review Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Design Review Three application.*

The applicant proposes to construct a new, 100,000 square foot, Commercial development and associated surface parking lot and site improvements. The applicant also proposes to utilize a Design Review Build out Concept Plan (DRBCP), as described in Section 40.20.10.5. Therefore the applicant meets thresholds 1 and 5 for Design Review Three.

1. *New construction of more than 50,000 gross square feet of non-residential floor area where the development does not abut any Residential District.*
5. *Projects proposed utilizing the options described in Section 40.20.10.5.*

Therefore, staff find that the criterion is met.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant paid the required fees for a Design Review Three application.

Therefore, staff find that the criterion is met.

3. *For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).*

Staff cites the Design Guidelines Analysis at the end of this Design Review section, which evaluates the project as it relates the applicable Design Review Guidelines found in Section 60.05 of the Development Code. Staff reviews each Guideline with respect to the applicability of the Guideline to the project, the applicant's response and illustrative

representation of the proposal. Staff provides an evaluation of the proposal in relation to the Guideline and a statement as to whether the Guideline is met.

Therefore, staff find the proposal will meet the criterion for approval by meeting the conditions of approval.

- 4. *For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:***
- a. *A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or***
 - b. *The location of existing structural improvements prevent the full implementation of the applicable guideline; or***
 - c. *The location of the existing structure to be modified is more than 300 feet from a public street.***

The project proposal is a new Commercial Development. Therefore this criterion which pertains to additions or modification of existing development does not apply.

Therefore, staff find the criterion is not applicable.

- 5. *For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.***

The applicant has provided a Design Review Build Out Concept Plan (DRBCP) which shows a conceptual building located in the exiting parking area between building D and buildings A and B. The DRBCP shows the addition of a parking structure with office on the top two levels. The conceptual structure would provide additional parking as well as office space which would bring the floor area ratio of the site to 0.5, the minimum in the zone. As proposed without the conceptual building, the floor area ratio is 0.35, as required by the zone with a DRBCP. As shown no existing buildings would have to be removed to accommodate the additional building. The only accommodation that would be required for the conceptual building would be a minimum 14 foot high entrance to accommodate the necessary turning movements for loading vehicles for the anchor store. As the building is conceptual should it be proposed in the future such design considerations would be reviewed at that time. Staff concurs with the applicant that as proposed additional floor area could be accommodated on the site to meet the minimum floor area ratio.

Therefore, staff find that the criterion is met.

6. ***For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s). [ORD 4531; March 2010]***

The project proposal meets application Thresholds #1 and #5 and, accordingly, is not subject to Design Standards.

Therefore, staff find the criterion is not applicable.

7. ***For proposals meeting Design Review Three application Threshold numbers 7 or 8, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is applying to instead meet the applicable Design Guideline(s).***

The project proposal meets application Thresholds #1 and #5 and, accordingly, is not subject to Design Standards.

Therefore, staff find the criterion is not applicable.

8. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

The applicant has submitted all documents related to this request for Design Review Three approval. Loading Determination and Sign Variance applications are being processed concurrently with the subject request for Design Review Three. The Design Review Three application is dependent upon approval of the Loading Determination application. Staff recommend a condition of approval which states that approval of the Design Review Three application is subject to approval of the Loading Determination application.

Therefore, staff find that by meeting the conditions of approval the criterion is met.

DESIGN REVIEW GUIDELINES ANALYSIS

In the following analysis, staff have only identified the Design Guidelines which are relevant to the subject development proposal. Non-relevant Guidelines have been omitted.

60.05.35 *Building Design and Orientation Guidelines.* *Unless otherwise noted, all guidelines apply in all zoning districts.*

1. *Building Elevation Design Through Articulation and Variety*

B. *Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standard 60.05.15.1.A and B)*

The applicant states that Commercial Area 1 development is comprised of a series of parts related throughout the center to create differentiation as well as a sense of unity. Building forms and materials are varied between tenant spaces to break up longer facades and provide visual differentiation. The applicant states that “building elevations, although sharing similar building materials represent a variety of design expressions through the development to allow for architectural interest. Materials chosen, such as textured concrete, metal, brick, glass and stucco are simple yet express elegantly through sensible proportions and juxtapositions to create a refreshing and authentic design identify.” This approach allows tenants to have a separate image from the adjacent tenants yet maintains a sense of cohesiveness.

Staff concur that the applicant does utilize a variety of window treatments, building materials, roof heights, awnings and other visual elements to provide articulation, variety and visual interest to the buildings.

Therefore, staff find the Guideline is met.

C. *To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)*

The applicant states that vertical elements are incorporated throughout the development, including tall storefront windows and vertical bands or columns between windows that consist of different materials to set them apart. Staff concur that vertical elements are adequately emphasized.

Therefore, staff find the Guideline is met.

D. *Buildings should promote and enhance a comfortable pedestrian scale and orientation. This guideline does not apply to buildings in industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.1.B) [ORD 4531; March 2010]*

The applicant states that the development promoted a pedestrian oriented streetscape through a variety of means such as landscape features, plazas, street furniture, and storefront windows. Staff concurs that the design of the buildings as well as the site layout provides a pedestrian scale and orientation as well as connections between different areas of the development. The applicant utilizes design features such as awnings, glazing, open spaces, and pathways which enhance the pedestrian scale.

Therefore, staff find the Guideline is met.

E. Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided. (Standards 60.05.15.1.B, C, and D) [ORD 4542; May 2010]

The applicant states that building elevations incorporate architectural features. The anchor store elevations along NW Barnes Road and NW 118th Avenue combines glass, ledgerstone, wood panels, brick and stucco as well as canopies in addition to the corner which provides extensive glass windows and wooden beams. The smaller retail buildings provide combinations of glazing, lap siding, stucco, stone veneer, and structural brick. Staff concur with the applicant that the variety of building materials to be used will mitigate larger building walls and meet the design aspiration of avoiding the use of undifferentiated blank walls facing streets or major parking areas.

Therefore, staff find the Guideline is met.

2. Roof Forms as Unifying Elements

A. Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be highlighted. (Standards 60.05.15.2.A and B)

The applicant states that several roof types are utilized in the commercial area to create architectural interest and focal points. The proposed building design includes a shed type theme roof at the ends of structures as well as key corners of the anchor building to provide differentiation. The remainder of roof features utilize flat roofs with parapets of varying heights. Staff concur that the use of differentiated roof features provides visual interest and focal points.

Therefore, staff find the Guideline is met.

B. Flat roofs should include distinctive cornice treatments. (Standard 60.05.15.2.C)

The applicant states that flat roofs, where utilized have been articulated with a variety of

materials, these roofs are designed as 'shed' roofs with exposed glu-lam beams supporting them. The parapets of the roofs vary in height by up to two feet and materials change every 17 to 45 feet. The design concept strives for clean lines at the roof and parapet while focusing on the pedestrian scale.

Staff have reviewed the roof forms of the proposed development and finds that cornice treatments are not be appropriate given the differentiation in materials, textures and parapet heights on the multi-tenant buildings. The anchor building has similar materials at the parapets, however a number of feature roofs and glazing are used to provide treatment to the roofline.

Therefore, staff find the Guideline is met.

3. *Primary building entrances*

A. *Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun. (Standard 60.05.15.3.A)*

The applicant states that the metal awnings help protect patrons from sun and rain along with facades of building and articulate individual tenant entrances. Sidewalk trees will further create a natural canopy for additional protection from the sun.

Staff have reviewed the primary building entrance design and concur with the applicant that the design of the entrances is differentiated and provides weather protection for pedestrians.

Therefore, staff find the Guideline is met.

B. *Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.3.B)*

The applicant states that the multiple tenant buildings primary entrances have been articulated with combinations of metal, wood and fabric awnings or canopies. Due to the multi-tenant nature of these buildings no one entrance is prioritized over the others but all are articulated and differentiated. The anchor building has a differentiated entrance on the west elevation with a mostly glass façade. Staff concur with the applicant that the primary building entrances are attractive and emphasized.

Therefore, staff find the Guideline is met.

4. *Exterior Building Materials*

- A. *Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standard 60.05.15.4.A)*

The applicant states that there are several materials proposed throughout his development such as concrete, brick, wood, metal and stucco and that these elements convey an image of durability and strength. Additionally glazing is used extensively in the anchor and multi-tenant buildings. Staff concurs with the applicant that the proposed materials convey a sense of durability and adequate windows are provided.

Therefore, staff find the Guideline is met.

- B. *Excluding development in Industrial zones, where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered, especially at entrances, building corners and at the pedestrian level. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete. (Standards 60.05.15.4.B and C)*

The applicant states that where brick is proposed, mainly on the anchor building, other materials cladding of different types is proposed to create architectural interest and that the masonry is broken up by score lines, glass windows, and wooden panels. Staff concurs that the exterior masonry is differentiated with changes in materials, textures and scoring.

Therefore, staff find the Guideline is met.

5. ***Screening of Equipment.*** *All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means. (Standards 60.05.15.5.A through C)*

The applicant states that the rooftop equipment will be screened by the use of parapets, box screens on the roof and recessing the units into the roof. Staff is confident that all rooftop units can be screened. Staff recommends a condition of approval that all rooftop mechanical units be screened from public streets and adjacent properties.

Therefore, staff find that by meeting the conditions of approval the Guideline is met.

6. ***Building Location and Orientation in Multiple Use and Commercial districts.***

- A. *Buildings should be oriented and located within close proximity to public streets and public street intersections. The overall impression, particularly on Class 1 Major*

Pedestrian Routes, should be that architecture is the predominant design element over parking areas and landscaping. Property size, shape and topographical conditions should also be considered, together with existing and proposed uses of the building and site, when determining the appropriate location and orientation of buildings. (Standard 60.05.15.6.A and B)

The site abuts three Class 1 Major Pedestrian Routes, NW Barnes Road, NW 118th Avenue, and NW Lost Springs Terrace. The applicant states that the site topography played a role in determining building location and orientation, particularly adjacent to NW Barnes Road and NW 118th Avenue as the streets are significantly lower than the site so providing direct building access is difficult when trying to keep buildings near the street. The applicant has located buildings along the perimeter of the site to provide the desired streetscape appearance by not locating parking adjacent to the streets and by providing a large pedestrian entrance to the development along NW Barnes Road to provide access for those walking and biking. Due to the grade changes along NW 118th Avenue, no pedestrian access is provided until just before Building C. The anchor building is provided at the corner of NW Barnes Road and NW 118th Avenue to create a visual presence on the major pedestrian route corner.

The applicant states that they have provided a main street feel along NW Cedar Falls Drive, consistent with original PUD approval. NW Cedar Falls Drive is lined with buildings, sidewalks and outdoor areas to create an active pedestrian space.

The parking for the development is primarily located on the interior of the site, accessed by drive aisles between buildings providing buildings and pedestrian amenities as the major focal points instead of parking areas or landscaping.

Staff concurs that the applicant has oriented the buildings to meet the objectives of a major pedestrian route by providing buildings close the street and placing parking behind buildings.

Therefore, staff find the Guideline is met.

7. *Building Scale Along Major Pedestrian Routes.*

A. Architecture helps define the character and quality of a street. Along Major Pedestrian Routes, low height, single story buildings located at the right-of-way edge are discouraged except where detached single family dwellings are permitted. (Standard 60.05.15.7.A and B)

The applicant states that buildings along the Major Pedestrian Routes vary in height from 22 to 32 feet. The buildings along NW Barnes Road and portions of NW 118th Avenue appear taller due to the significantly lower road elevation. This differentiation of between eight and ten feet in grade change leads to the appearance of two story structures. The applicant also states that the buildings are broken up into smaller buildings with open air plazas to maintain an appropriate sense of scale. Staff concurs that the buildings do not appear to be low height buildings but provide a comfortable pedestrian scale.

Therefore, staff find the Guideline is met.

- B. *Building heights at or near the street should help form a sense of enclosure, but should not create an undifferentiated height wall out of scale with pedestrians. Building heights at the street edge should be no higher than sixty (60) feet without the upper portions of the building being set back from the vertical building line of the lower building stories. (Standard 60.05.15.7.A)*

The applicant states that buildings at the right-of-way edge vary in height from 22 feet to 32 feet and are articulated to maintain a pedestrian scale. Awnings, storefront windows, distinctive building entries and other elements are used to facilitate pedestrian orientation.

Staff concurs that the buildings create a sense of enclosure and pedestrian scale.

Therefore, staff find the Guideline is met.

8. Ground Floor Elevations on Commercial and Multiple Use Buildings.

- A. *Excluding residential only development, ground floor building elevations should be pedestrian oriented and provide views into retail, office or lobby space, pedestrian entrances or retail display windows. (Standard 60.05.15.8.A)*

The applicant states that all ground floor elevations fronting Major Pedestrian Routes will have first floor windows which will provide views for pedestrians into the buildings. The exception to this is the anchor building along NW 118th Avenue where the extent of the windows has been scaled back and augmented by metal canopies, wooden panels and masonry bases to break up the façade. All entrances utilize glass elements. Staff concur that views into the space are provided and entryways are accentuated with glazing.

Therefore, staff find the Guideline is met.

- B. *Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk should provide weather protection for pedestrians on building elevations. (Standard 60.05.15.8.B)*

The applicant states that several forms of weather protection are provided such as canopies and building recesses, which provide overhead protection to pedestrians. Special roof features, such as large roof forms over the anchor building also provide weather protection.

Staff notes that all entry areas have canopy or awning coverage as well as the majority of the frontage of the multi-tenant building. Weather protection is not provided on the south, east, and north facades of the anchor building, however, those areas do not

contain pedestrian walkways. Staff concurs that adequate weather protection is provided on building elevations.

Therefore, staff find the Guideline is met.

60.05.40. Circulation and Parking Design Guidelines. *Unless otherwise noted, all guidelines apply in all zoning districts.*

- 1. Connections to public street system.** *The on-site circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets. (Standard 60.05.40.1)*

The applicant states that the proposed development contains an extensive and inter-connected pedestrian and vehicle network designed in accordance with City standards. In addition connections are also made to the surrounding pedestrian and bicycle systems. The subject site is bordered by NW 118th Avenue, NW Barnes Road, and NW Lost Springs Terrace. NW Cedar Falls Drive runs through the north portion of the site and forms a main street for the development containing wide sidewalks. Major walkways include an east/west oriented pedestrian walkway linking 118th Avenue and NW Lost Spring Terrace. The east/west pathway connects to a north/south pedestrian path that connects NW Barnes Road through the commercial development to the residential development to the north. Additional pedestrian connections are provide through the site to provide ease of access from building to building. The proposal can be found to adequately connect to the public transportation system.

Therefore, staff find the Guideline is met.

- 2. Loading area, solid waste facilities, and similar improvements.**

A. On-site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street. (Standard 60.05.20.2)

The proposal includes screened trash enclosures for the multi-tenant buildings and a trash enclosure interior to the building for the anchor tenant. The loading bays for the anchor tenant are located inside the building. Trash enclosure screening includes a wall and vegetative plantings which provide adequate screening from public view of the trash and recycling receptacles.

Therefore, staff find the Guideline is met.

B. Except in Industrial districts, loading areas should be deigned and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations. (Standard 60.05.20.2)

The proposed loading areas for the anchor store are located within the building. For the multi-tenant buildings loading zones are proposed in parking spaces. The applicant has applied for a loading determination application which will assess the safety and

functionality of the proposed loading plan. The loading as proposed is screened from public view for the anchor store and can be compatible with business operations for the multi-tenant stores through the use of parking spaces for deliveries.

Therefore, staff find the Guideline is met.

3. Pedestrian circulation.

A. *Pedestrian connections should be made between on-site buildings, parking areas, and open spaces. (Standard 60.05.20.3.A)*

The applicant states that the development contains an extensive network of on-site pedestrian connections that link buildings, parking areas, and open spaces. Sidewalks connect all building entrances to the adjacent parking areas and open space. The pedestrian connections through the development and to adjacent streets are sufficient.

Therefore, staff find the Guideline is met.

B. *Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures. (Standard 60.05.20.3.A)*

The applicant states that several pedestrian connections are provided to connect on-site facilities to abutting pedestrian facilities. Major walkways include a path linking NW 118th Avenue with Lost Springs Terrace and a north-south walkway linking NW Barnes Road to NW Cedar Falls Drive and the residential development to the north. Access points are provided along each abutting street to provide pedestrians with ample opportunity to access the site. Only one connection is provided to NW Barnes Road due to the slope difference between the development and the road. Staff concurs with the applicant that sufficient pedestrian connections to adjacent streets and pedestrian facilities.

Therefore, staff find the Guideline is met.

C. *Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)*

The applicant states that pedestrian connections link building entrances to nearby streets and other pedestrian destinations. The buildings along NW Barnes Road do not have direct pedestrian connections from each tenant space to Barnes Road due to the steep grade differential, however, a shared access to NW Barnes Road is provided that connects easily with building entrances interior to the site. Staff concur that pedestrian connections are provided to adjacent public streets.

Therefore, staff find the Guideline is met.

- D. Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles (Standard 60.05.20.3.C through E)*

The applicant states that the largest parking area within the development is in the south parking court, which features a walkway that is centrally located within the parking area and connects NW Barnes Road to NW Cedar Falls Drive. This path is separated from vehicle traffic with bollards and differentiated paving. There is a secondary north-south walkway that runs from Building B to Building D which contains differentiated paving. East-west connections are attained by the walkways adjacent to buildings. Staff concurs that adequate pedestrian connections are provided.

Therefore, staff find the Guideline is met.

- E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.3.A through H)*

The applicant states that extra wide 10 foot to 12 foot sidewalks are proposed along NW Cedar Falls Drive which is anticipated to be the highest area of pedestrian activity and sidewalks are located on both sides of all streets within the development.

Therefore, staff find the Guideline is met.

- F. Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Standards 60.05.20.3.F through G)*

The applicant states that all pedestrian ways are designed for safe movement and constructed with hard surface materials. Where pedestrian access crosses streets or drive aisles different materials, such as concrete or pavers are used to differentiate the driving surface to ensure pedestrian safety. Staff concurs that the applicant has proposed hard durable differentiated surfaces for pedestrian connections.

Therefore, staff find the Guideline is met.

- 4. *Street frontages and parking areas. Landscape or other screening should be provided when surface parking areas are located along public streets. (Standard 60.05.20.4)***

The applicant states that parking areas are located behind or to the side of buildings to screen them from public view. Where parking lots are located along streets landscape buffers ranging from five to ten feet in width are provided with evergreen shrubs and other plant material to provide screening in addition to low landscape walls to provide additional screening.

Therefore, staff find the Guideline is met.

5. ***Parking area landscaping.*** *Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standard 60.05.20.5.A through D)*

The applicant proposes landscape islands containing trees and ground cover. The applicant states that each parking court is planted with a different combination of plants to provide differentiation between areas. Landscape islands primarily propose Columnar Hornbeam, Victoria Southern Magnolia, Pink Champaign Smoke Tree, Hibiscus and Black Tupelo. The applicant proposes a total of 91 trees in landscape islands which will provide tree canopy and visual relief for the parking areas.

Therefore, staff find the Guideline is met.

6. ***Off-Street parking area frontage in Multiple-Use zones.***

- A. *Surface parking should occur to the side or rear of buildings and should not occur at the corner of two Major Pedestrian Routes. (Standard 60.05.20.6)*

The applicant proposes surface parking between buildings. Parking is not proposed at the intersections of Major Pedestrian Routes.

Therefore, staff find the Guideline is met.

- B. *Surface parking areas should not be the predominant design element along Major Pedestrian Routes and should be located on the site to safely and conveniently serve the intended users of the development, without precluding future site intensification. (Standard 60.05.20.6)*

The applicant proposes parking to the rear of buildings. Where parking does abut major pedestrian routes screening is provided by low walls and vegetation. The applicant proposes to utilize a Design Review Building out Concept Plan (DRBCP) which shows future intensification of the site is possible with the current parking and building layout.

Therefore, staff find the Guideline is met.

7. ***Sidewalks along streets and primary building elevations in Multiple Use and Commercial districts.***

- A. *Pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.7.A)*

The applicant states that extra wide sidewalks are proposed on both sides of NW Cedar Falls Drive which is anticipated to be the highest area of pedestrian activity. Sidewalk frontages along buildings are approximately ten feet in width.

Therefore, staff find the Guideline is met.

- B. *Pedestrian connections should be provided along primary building elevations having building and tenant entrances.* (Standard 60.05.20.7.B)

The applicant states that there are ample access points to the site from all directions. Accesses to the site provide pedestrian connections to buildings and tenant entrances with ten foot wide walkways throughout the site.

Therefore, staff find the Guideline is met.

8. *Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple Use, and Commercial districts.*

- A. *On-site circulation should be easily recognized and identified, and include a higher level of improvements such as curbs, sidewalks, and landscaping compared to parking lot aisles.* (Standard 60.05.20.8)

The proposal connects to public streets and sidewalk system in an easily recognized manner. Curbs, sidewalks, and landscaping are all included in the design.

Therefore, staff find the Guideline is met.

- B. *Long, continuous parking aisles should be avoided if possible, and landscaped as necessary to minimize the visual impact.* (Standard 60.05.20.8)

The applicant states that breaking up parking into several small parking courts long continuous parking aisles have been avoided. The parking aisles are broken up with landscaping islands between stalls and landscape strips. Staff concurs that the applicant provides adequate landscaping to minimize the visual impact of the proposed parking facilities.

Therefore, staff find the Guideline is met.

60.05.45. *Landscape, Open Space and Natural Areas Design Guidelines.* Unless otherwise noted, all guidelines apply in all zoning districts.

3. *Minimum landscaping for conditional uses in Residential districts and for developments in Multiple Use, Commercial, and Industrial Districts.*

- A. *Landscaping should soften the edges of buildings and parking areas, add aesthetic interest and generally increase the attractiveness of a development and its surroundings.* (Standard 60.05.25.3.A, B, and D)

The applicant states that landscaping is used extensively adjacent to buildings and parking areas to accentuate as well as soften architecture and screen parking. Plantings

are diverse and plentiful on the site.

Therefore, staff find the Guideline is met.

- B. *Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete. (Standard 60.05.25.3.C)*

The applicant states that the plaza and common areas are designed with the pedestrian in mind. Landscape plantings are provided and hardscaped to utilize a combination of pavers and decorative scored concrete. Staff concur that the pedestrian plaza meets the Guideline.

Therefore, staff find the Guideline is met.

- C. *Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions. (Standard 60.05.25.3.A and B)*

The applicant states that native vegetation is utilized in the landscaping design. Native shrub plantings include Arctic Fire Dogwood, Creeping Mahonia, and Oregon Grape. Native ground cover includes Ice Dance Corex. Other plants were selected based on their ability to adapt to the climate.

Therefore, staff find the Guideline is met.

- D. *Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development. (Standard 60.05.25.3.A and B)*

The applicant states that there are no existing or mature trees on the site.

Therefore, staff find the Guideline is not applicable.

- E. *A diversity of tree and shrub species should be provided in required landscaped areas. (Standard 60.05.25.3)*

The applicant states that the landscaping plan demonstrates a diversity of tree and shrub species.

Therefore, staff find the Guideline is met.

6. ***Retaining Walls.*** *Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the overall landscape plan, or screened by landscape material. (Standard 60.05.25.5)*

The applicant proposes retaining walls at numerous places in the development. Proposed retaining walls are architecturally treated and integrated into the landscaping. Larger retaining walls are terraced to reduce the scale of the wall. Vegetation is proposed to screen retaining walls where necessary.

Therefore, staff find the Guideline is met.

7. Fences and Walls

A. Fences and walls should be constructed of attractive, durable materials. (Standard 60.05.25.6)

The applicant proposes metal rail fencing which allows views through the fencing and matches existing fencing within other phases of the Timberland development. Fences are proposed for safety on top of tall retaining walls. The proposed fence is constructed of durable and attractive materials.

Therefore, staff find the Guideline is met.

B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection. (Standard 60.05.25.6)

Structural retaining walls are proposed along NW 118th Avenue, NW Barnes Road and the southern portion of NW Lost Spring Terrace due to the grade differentials between the development site and the adjacent roadways. Metal fences are proposed where necessary to provide safety. Fencing will be metal rail fencing to match that in other portions of the Timberland development. The proposed fencing will allow views into the site.

Therefore, staff find the Guideline is met.

60.05.50. Lighting Design Guidelines. *Unless otherwise noted, all guidelines apply in all zoning districts. (Standard 60.05.30.1 and 2)*

- 1. Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaries.*

The applicant states that all lighting within the development is designed and located to maximize safety while minimizing glare and highlighting specific architectural features to an appropriate level. The applicant provides a photovoltaic plan which shows minimal areas of light shed of greater than 0.5 foot candles over the property line. Where light sheds over the property line, it sheds only into public rights-of-way and not adjacent properties.

Therefore, staff find the Guideline is met.

2. *Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building.*

The applicant states that pedestrian scale lighting fixtures are proposed at 14 feet in height and will be utilized to highlight the pedestrian circulation areas. Bollard style lights are also proposed along pedestrian areas.

Therefore, staff find the Guideline is met.

3. *Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens-shields, shades or other measures to screen the view of light sources from residences and streets.*

The applicant provides a photovoltaic plan which shows minimal areas of light shed of greater than 0.5 foot candles over the property line. Where light sheds over the property line, it sheds only into public rights-of-way and not adjacent properties.

Therefore, staff find the Guideline is met.

4. *On-site lighting should comply with the City's Technical Lighting Standards.*

The applicant provides a photovoltaic plan which shows minimal areas of light shed of greater than 0.5 foot candles over the property line. Where light sheds over the property line, it sheds only into public rights-of-way and not adjacent properties.

Therefore, staff find the Guideline is met.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **DR2013-0013 (Timberland Commercial Town Center)**, subject to the applicable conditions identified in Attachment E.

LO2013-0001
ANALYSIS AND FINDINGS FOR
LOADING DETERMINATION APPROVAL

Section 40.50.05 Loading Determination Application; Purpose

The purpose of a Loading Determination is to establish mechanism to determine or modify the required number of off-street loading spaces or modify the off-street loading space dimensions in advance of, or concurrent with, applying for approval of an application, development, permit, or other action.

Section 40.50.15.1.C Loading Determination Approval Criteria:

In order to approve a Loading Determination application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Loading Determination application.*

The applicant proposes to reduce the number of loading berths required for the Timberland Commercial Town Center development. Eight total loading berths would be required, one berth for each building ranging from 7,000 to 24,000 square feet and two berths for buildings between 24,0001 and 50,000 square feet. Each of buildings A, B, C, D, E, and F require one loading berth under the code and the anchor tenant requires two. The applicant proposes to provide two loading berths for the anchor tenant and utilize parking spaces in place of loading berths for buildings A-F, meeting Threshold 2 for a Loading Determination application:

Threshold 2: A request to modify the total number of off-street loading spaces from the required number listed in Section 60.25 (Off-Street Loading) of this code.

Therefore, staff find that the criterion is met.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant paid the required fee associated with a Loading Determination application.

Therefore, staff find that the criterion is met.

3. *The determination will not create adverse impacts, taking into account the total gross floor area and the hours of operation of the use.*

The applicant states that two Type B loading berths will be provided for the anchor store. For the six smaller multi-tenant buildings the applicant proposes that loading for the stores will be served by existing designated parking spaces. The applicant states that the small restaurants and shops will be served by smaller vans (step-vans) and pickup

trucks which fit within standard parking spaces. The applicant states that as no large semi-style trucks will be used for smaller tenants no loading berths will be needed and that loading berths would detract from the appearance and feel of the center. The applicant states that the hours of operation will not affect trucks serving the development as they will use existing parking spaces and deliveries generally take approximately five minutes per stop and are done in the mornings to avoid conflicts with customers on busy locations.

The applicant proposes to assign five parking spaces as loading spaces between the hours of 7:00am and 11:00am, located so as to serve all six multi-tenant buildings. Staff notes that the applicant's plan shows buildings E and F sharing a loading space. The applicant states that the chosen spaces are adjacent to walkways and sidewalks to facilitate safe loading of goods. Staff concurs that given the small size of the tenant spaces within the development, excluding the anchor, that loading from signed parking spaces is sufficient to serve the development without creating adverse impacts.

Therefore, staff find that the criterion is met.

4. *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site and in connecting with the surrounding circulation system.*

The proposed internal pedestrian pathway system is efficient as pathways are located adjacent to buildings, between buildings, through parking areas, and adjacent to parking areas, all of which provide connection to the public street system and adjacent site to the north. All internal pedestrian pathways that cross intersections or travel lanes include unique materials, color, or pattern which differentiate the pathway from the travel lane. This visual differentiation provides for improved safety as drivers are made aware of pedestrian crossings.

Therefore, staff find that the criterion is met.

5. *The proposal will be able to reasonably accommodate the off-street loading needs of the structure.*

The applicant states that the structures in question are Buildings A through E which will have individual tenants ranging in size from 800 square feet to 3,000 square feet which will be served by vans and pickup trucks. These vehicles can be parked in the existing parking spaces which will be signed as loading spaces between the hours of 7:00 am and 11:00 am. By utilizing existing parking spaces ingress and egress for patrons and emergency vehicles will not be hindered.

The applicant states that as property managers of over 35 neighborhood centers in the Metro Region, Gramor, has no reports of vehicle or pedestrian conflicts associated with smaller retailers which utilize this approach to loading through exiting parking spaces. Staff concurs that given the small size of proposed tenant spaces that providing loading through existing parking spaces is reasonable to accommodate the needs of the tenants.

The applicant proposes additional site treatment around the two internal loading berths on the anchor tenant building. The applicant proposes low walls along the sides of the berth entrance. The southern side of those low walls is proposed to contain bike parking spaces and the north will have landscaping plantings to guide pedestrians out from flush with the building and make them aware of the loading area, increasing pedestrian and vehicle safety. The applicant also proposes differentiated scoring on the concrete walkway in the area of the loading berth as an additional visual cue.

Staff recommends a condition of approval that all loading spaces be signed as Loading Only spaces from 7:00am to 11:00am to ensure that other vehicles do not occupy the spaces.

Therefore, staff find that by meeting the conditions of approval the criterion is met.

- 6. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that the improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

Staff cite the Facilities Review approval Criterion D which responds to this criterion in detail. Staff finds that the application complies with Chapter 60 or can be made to comply through conditions of approval which are roughly proportional to the identified impacts of the proposal.

Therefore, staff find that by meeting the conditions of approval the criterion is met.

- 7. *Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to periodic maintenance by the City or other public agency.***

The applicant's identifies that private common facilities such as plazas, expanded sidewalks, enhanced pavement treatments and additional amenities will be maintained by the owners of the development or their management agency. Staff finds nothing in the design or layout of the common facilities that would preclude adequate maintenance of the site.

Additionally, staff does not foresee any conflict with garbage service to the development as proposed. However, the applicant should work with the hauler to identify any potential conflicts with garbage service prior to construction. A condition of approval is recommended where the applicant would be required to identify service needs with the hauler and resolve any conflicts, prior to Site Development Permit issuance.

Therefore, staff find that by meeting the conditions of approval the criterion is met.

8. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

The applicant has submitted all documents related to this request for Loading Determination approval. The application was submitted on February 22, 2013 and deemed complete on March 20, 2013.

Therefore, staff find that the criterion is met.

9. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.*

The applicant has submitted all documents related to this request for Loading Determination approval. Design Review Three, and Variance applications are being processed concurrently with the subject request for a Loading Determination. The Loading Determination application is dependent upon approval of the Design Review Three application. Staff recommend a condition of approval which states that approval of the Loading Determination application is subject to upon approval of the Design Review Three application.

Therefore, staff find that by meeting the conditions of approval the criterion is met.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **LO2013-0001 (Timberland Commercial Town Center)**, subject to the applicable conditions identified in Attachment E.

**VAR2013-0001 (Timberland Commercial Town Center)
ANALYSIS AND FINDINGS FOR
VARIANCE APPROVAL**

Proposed Variances:

The variances proposed can be summarized as follows:

1. The applicant is proposing to install 6-square foot double sided projecting (blade) signs, attached to storefront entrances, which are visible from the public right of way. The Code allows projecting signs under limited circumstances within a multiple-use district, of which the applicant's proposal does not entirely meet. The relevant Code standard is found in Section 60.40.35.2.
2. The applicant is also requesting to place a freestanding sign at a distance of 240 feet from another proposed freestanding sign. The applicant seeks a variance to the requirement that freestanding signs on the same site be a minimum of 300 feet from all other freestanding signs. The relevant Code standard is found in Section 60.40.35.3.J.1.

Narrative and visual exhibits provided as part of the applicant's plans and materials pertaining to the sign variance can be found in Tab G of the applicant's submittal.

Section 40.95.05 Variance Applications; Purpose

The purpose of a Variance application is to provide for the consideration of varying from the applicable provisions of the Development] Code where it can be shown that, owing to special and unusual circumstances, the literal interpretation of these provisions would cause an undue or unnecessary hardship without a corresponding public benefit. This Section is carried out by the approval criteria listed herein.

Section 40.95.15.1.C Variance Approval Criteria

In order to approve a Variance application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Variance application.*

The applicant proposes certain changes to the numerical requirements contained in Section 60.40 (Sign Regulations) for the property. In summary, the applicant proposes to place one freestanding sign within 240 feet of another freestanding sign which is less than the minimum 300 feet required between signs and place additional projecting signs beyond those allowed by the Development Code in a multiple use zone. This meets the requirements of Variance under threshold #3.

Therefore, staff find that the criterion is met.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant paid the required fee associated with a Variance application.

Therefore, staff find that the criterion is met.

3. *Special conditions exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures in the same zoning district.*

The applicant has identified numerous special conditions described below, which are peculiar to the land and buildings involved that are not applicable to other sites in the TC-MU zoning district.

Major Pedestrian Routes

According to the applicant, special conditions exist as a result of surrounding major pedestrian route designations. The subject site has Major Pedestrian Route (MPR) designation on three of the streets that abut the development, NW Barnes Road, NW 118th Avenue, and NW Lost Springs Terrace. Additionally NW Cedar Falls Drive was identified as a Main Street during the original Timberland PUD process. The MPR designation requires that buildings be located close to streets to create an inviting pedestrian environment. The Progress Ridge area is the only other area of the City which has TC-MU zoning. NW Barrows Road and NW Horizon Avenue are the two MPR's that abut the Progress Ridge commercial development. While the Progress Ridge development does have MPR's, it is not completely ringed by them. According to the applicant, the extent of the MPR's on this property and the Main Street requirements from the PUD are unique to this site and to carry out the MPR design requirements a Master Sign Program and sign variance are necessary. The increase in the number of projecting signs will allow merchants along the MPR's to encourage the walking public to identify and walk between multiple merchants on the site, promoting an urban and pedestrian oriented atmosphere.

Site Topography & PUE's

According to the applicant, the subject site has topographical conditions which create large grade differentials between buildings and the adjacent streets, particularly at the southern portions of the site. The Timberland Commercial Town Center site has Public Utility Easements (PUE's) around all sides of the property. No structures, including signs are permitted to be placed in PUE's which limits the area that signs may be placed and prevent buildings from being placed at the edge of the right-of-way.

Monument Sign Placement

The applicant states that monument signs placement is most effective to the traveling motorist when positioned at intersections, street corners or driveway entries. The physical space to place monument signs on the subject property is limited by the MPR requirements that buildings be placed at the street frontage and the location of a 6 foot

to 8 foot wide Public Utility Easement around the subject site. The public sidewalk abuts the outer boundary of the PUE; structures are not allowed within PUEs, including signs. In addition vision clearance triangles are required at all driveway entrances and corners further limiting the area that signs may be allowed. The applicant states that the development entrance along NW Lost Springs Terrace was chosen to line up with the existing driveway for the residential units to the west to create a safer intersection. Given all of these constraints the location of the second sign along NW Lost Springs Terrace at the development entrance is reasonable even though it is not a full 300 feet from the sign at the corner of NW Lost Spring Terrace and NW Barnes Road. The applicant states that the existing residential drive way is as pre-existing condition unique to this development as the access point was pre-determined.

Staff concurs with the applicant in that the unique Major Pedestrian Routes and topographic constraints are specific to the subject site and are not applicable to other parcels or buildings in the TC-MU zoning district. The MPR requirement that buildings be placed close to the street frontage and the Public Utility Easements which occur at all street frontages leave very little space for the placement of freestanding signage to identify the development.

Additionally staff concurs with the applicant that the Public Utility Easements which surround all of the public rights-of-way on site and separate the buildings from the public right of way make strict compliance with the projecting sign standards impossible. Staff concurs that the applicant's proposal meets the intent of the standards though site conditions preclude meeting the numeric requirements.

Therefore, staff find that the criterion is met.

- 4. *Strict interpretation of the provisions of this ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district under the terms of this Code.***

Projecting Signs

According to the applicant Multiple-Use zoning districts establish varied levels of residential and commercial uses, supporting transit and pedestrian oriented development. The town center concept focuses on concepts such as walkability and pedestrian scale designs specifically oriented for people who live within walking distance of the site or accessible by transit.

The applicant states that strict application of the projecting sign limits would not allow the full realization of the Town Center concept, as described above. Timberland Commercial Town Center was designed to focus on the immediate community and provide a walkable environment, as such they request the use of projecting or blade signs for each tenant as such signage is pedestrian oriented and easier to read while walking down the street than traditional wall-signage. The applicant proposes to count the blade signage square footage as part of the wall-signage calculation; therefore, they are not requesting additional signage square footage but a different style of sign.

According to the applicant, the overall size and scope of the subject development and

given that it is intended that a majority of people will either walk or take public transit to the site or park a vehicle and walk the entire site, strict interpretation of 60.40.35.1.2 – *Projecting signs* would deprive the applicant of allowing all tenants in the subject development the ability to place small projecting signs at each tenants entrance, that improve the pedestrian scale concepts of the Town Center zoning district. Additionally, the applicant states that it is easier for pedestrians to differentiate between tenants with projecting signage.

Staff also concurs with the applicant's findings related to placing projecting signs at tenant's entrances.

Freestanding Sign Location

The applicant in their materials supplies a table comparing the two TC-MU sites in the City, Progress Ridge and Timberland (Tab G) showing Major pedestrian routes, main streets, PUEs, number of monument signs and access drive spacing. The table shows that at the Progress Ridge site the access drive spacing exceeds 300' while it does not along NW Lost Springs Terrace and NW Cedar Falls Drive. The applicant further explains that while the two developments are similar there are distinct differences, as Timberland is encumbered with an additional Major Pedestrian Route as well as a Main Street which require buildings to be placed near the street.

The applicant points out the biggest difference between the sites are the spacing between intersections where monument signs are most appropriate to direct patrons to the development. Timberland's access road spacing along NW Lost Springs Terrace ranges from 220 feet at the northern portion of the property to 220 feet at the southern portion, closest to NW Barnes Road. The shortest intersection spacing at Progress Ridge is 300 feet. The applicant describes that locating the freestanding sign at NW Cedar Falls Drive would alleviate the need for a variance request for sign placement distance, however there is no space to place a monument sign between the building and the public utility easement; therefore, the location at the entrance to the parking area makes sense and also provides clear access to the majority of shops within the development.

The applicant states that the strict interpretation of the 300 foot spacing requirement would place the proposed monument sign away from one key intersection and entrance to the site. The applicant states that moving the monument sign to the far northern access drive is not acceptable placement or is it functional because it directs the motorists into the smallest parking field containing the fewest number of tenants.

Staff concur with the applicant's findings related to placement of a freestanding sign within 300 feet of another freestanding sign given the sites existing intersections.

Therefore, staff find that the criterion is met.

- 5. *The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.***

According to the applicant, the design of the buildings and site plans was in response to existing topographical conditions, existing roadways, their respective elevations and slopes, and permissible vehicular access points resulting from a previous development that the applicant was not involved in.

The applicant states that the proposed placement of monument signs is based on logic and functionality and serves to easily guide motorists into the town center. Due to the location of the buildings to meet MPR standards and the PUEs on site there is little room left to provide monument signage and therefore areas with adequate space have been proposed.

The applicant states that strict application of the projecting sign limits would not allow for the full realization of the Town Center concept and the goals of providing an inviting and pedestrian scaled environment. Financial hardship or inconvenience is not the concern.

The applicant has stated that they did consider many different designs during the planning of this development but ultimately chose the design and placement of the signs to meet the needs of the development and fit with the building and site layout.

Staff finds that the actions of the applicant did not alone create the special conditions that are unique to the site, and that the request for variance relief does not result from mere financial hardship or inconvenience, rather it would help encourage the walking public to identify and walk between multiple merchants on the subject site and further the purpose of the Town Center model.

Therefore, staff find that the criterion is met.

6. *If more than one variance is being requested, the cumulative effect of the variances will result in a project which is still consistent with the overall purpose of the applicable zoning district.*

Staff determined that all of the proposed signage may be handled under a single Variance application. The cumulative effect of the proposed signs results in a project which will still be consistent with the overall purpose of the Town Center- Multiple Use (TC-MU) zoning district.

Staff attests that the majority of the signs within the town center can be approved administratively without a variance. The applicant's proposal for variance represents a small portion of the signs proposed for the site.

Therefore, staff find that the criterion is met.

7. *Any variance granted shall be the minimum variance that will make possible a reasonable use of land, building, and structures.*

The applicant states that the proposed blade signage will allow one blade sign per tenant per building elevation is the minimum to achieve pedestrian oriented signage for

all tenants within the development to achieve the desired pedestrian feel of the Town Center. The variance works with the Master Sign Program to ensure that all tenants have equitable signage which is allocated in a balanced manner.

In regards to the freestanding sign request the applicant states that the variance is for a twenty percent reduction from the 300 foot minimum spacing requirement for two signs along NW Lost Springs Terrace. In this particular case the two signs will not be visible at the same time due to the physical grade change between NW Barnes Road and the access where the sign is proposed along NW Lost Springs Terrace. The applicant, in their narrative, outlines the options considered for freestanding sign placement and why the proposed option is chosen.

Staff concurs with the applicant that the proposed freestanding sign placement variance is the minimal necessary to make reasonable use of land, building and structures.

Staff also concurs with the applicant that to further encourage the pedestrian nature of this development and maintain pedestrian scale signage, the small six square foot projecting signs at each of the tenants entrances are minimal and unobtrusive and add to the character of this development.

Therefore, staff find that the criterion is met.

- 8. *For a proposal for a variance from sign regulations, no variance shall be granted unless it can be shown that there are special circumstances involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district, and that the granting of the variance will not result in material damage or prejudice to other property in the vicinity and not be detrimental to the public safety and welfare. Variances shall not be granted merely for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign.***

The first part of this approval criterion requires that the applicant show that there are special circumstances involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district. As noted in findings for Criterion 3, 4, 5 and 7, staff found that the applicant has demonstrated numerous special circumstances related to topography, size, shape, location which do not apply to any of the other parcels in the TC-MU zoning district. Refer to Tab G of the applicant's narrative, which details the other parcels in the TC-MU zoning district.

With regard to this approval criterion, staff finds that the MPR setbacks, PUEs, and grade change of the subject site are not consistent with surrounding development patterns of the zone and therefore could be considered to be special circumstances involving size, shape, topography, location or surroundings attached to the property, which do not apply generally to other properties in the same zoning district.

The second part of the approval criterion requires that the applicant show that granting

the variance will not result in material damage or prejudice to property in the vicinity. Staff finds no evidence that granting this variance will result in material damage or prejudice to nearby properties.

The purpose for regulating signs as defined by the Development Code Section 40.60.05

“...is to promote the neat, clean, orderly, and attractive appearance of the community, balance the need of signs with avoiding potential nuisances to nearby properties and conflicts with other signage, ensure safe construction, location, installation, and maintenance of signage, prevent proliferation of signs and sign clutter, and minimize distractions for motorists on public highways and streets.”

Staff finds this proposal does not create a nuisance to nearby properties, as most of the signs will meet the requirements described in Chapter 60 for sign area and placement. No additional sign square footage is being requested above what is allowed by the Development Code.

Furthermore, staff finds that granting the variance request would not create an unwarranted advantage over nearby businesses as no additional sign square footage is requested, only the allowance of projecting signs to count as wall-signage area and for one freestanding sign to be placed within 300 feet of another freestanding sign.

The third part of the approval criterion requires that the applicant show that granting the variance will not be detrimental to public safety and welfare. Staff finds that the sign's proposed locations are not located within the Vision Clearance Areas as defined by the Engineering Design Manual and are placed outside of Public Utility Easements.

The final part of the approval criterion requires that the applicant show that granting the variance is not merely for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign. The applicant does not propose to increase the size of signage for any retailers within the development. The applicant proposes to be allowed to use a different type of sign, projecting or blade signs, which would not be allowed under the strict interpretation of the Development Code. The applicant also proposes a development monument sign at an entrance to the parking area, this sign is intended to provide directional assistance to those accessing the site not to serve one specific business.

Additionally, the projecting signs are to further promote the pedestrian nature of this zoning district and this development, as staff has explained herein.

Therefore, staff finds that, the proposed variances will not result in material damage or prejudice to other property in the vicinity and not be detrimental to the public safety and welfare. Additionally, staff finds that the proposed signage will provide clarity in the information to the walking public and will improve the ability of pedestrians to find the various businesses within the site.

Therefore, staff find that the criterion is met.

9. ***The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions modified by means of one or more applications that already have been approved or are considered concurrently with the subject proposal.***

The property is zoned Town Center – Multiple Use (TC-MU), which allows the uses of the site as a combination of Permitted or Conditional Uses. No other provisions of Chapter 20 are applicable to this proposal.

Therefore, staff find that the criterion is met.

10. ***The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

The proposal complies with the applicable provisions of Chapter 60, except for the number of requested projecting signs in a multiple-use zone and the distance between two freestanding signs which are the subject of this variance request. If the Variance is approved, then the requirements of Chapter 60 will be met. Other provisions of Chapter 60 are not subject to this variance.

Therefore, staff find that the criterion is met.

11. ***The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

The applicant submitted all applicable application submittal requirements with the application, as required by the Development Code.

Therefore, staff find that the criterion is met.

12. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

The applicant has submitted the required application materials for review of a Variance application. This review process is a required first step, before the City issues sign permits. The applicant has also applied for Design Review Three and Loading Determination applications concurrently with this application. The variance application is not dependent upon these applications nor are they dependent upon the variance application.

Therefore, staff find that the criterion is met.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **VAR2013-0001 (Timberland Commercial Town Center)**, subject to the applicable conditions identified in Attachment E.

CONDITIONS OF APPROVAL

Timberland Commercial Town Center (VAR2013-0001):

1. Sign permits are required for all individual wall, blade, and freestanding signs. (Planning/JF)

Timberland Commercial Town Center (LO2013-0001):

1. Approval of LO2013-0001 is subject to approval of DR2013-0013. (Planning/JF)
2. All parking spaces designated for loading shall be signed as loading zones from the hours of 7:00am to 11:00am daily. (Planning/JF)

Timberland Commercial Town Center (DR2013-0013):

A. General Conditions:

1. Approval of DR2013-0013 is subject to approval of LO2013-0001. (Planning/JF)

B. Prior to issuance of the site development permit, the applicant shall:

2. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
3. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
4. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
5. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
6. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)

7. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the Barnes Road right of way. (Site Development Div./JJD)
8. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
9. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
10. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
11. Submit an approved action plan from the Oregon Department of Environmental Quality (DEQ) for the previously issued 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit). The DEQ process is independent of a City plan revision approval. The applicant shall use the 2006 plan format per requirements adopted by DEQ and Clean Water Services and submit the DEQ-approved revised plans to the City. (For more information and to access the new format, see <http://www.deq.state.or.us/wq/stormwater/constappl.htm>) (Site Development Div./JJD)
12. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total on the affected sites. Specific types of impervious area totals, in square feet, shall be given for buildings, parking lots/driveways, sidewalk/pedestrian areas, storage areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area for each affected property. (Site Development Div./JJD)
13. Pay a storm water system development charges (overall system conveyance) for any net new impervious area proposed for the project. Additionally, the project shall pay a storm water quality and quantity in-lieu of fee for any impervious area required to provide treatment but determined by the City Engineer as not to practical to provide treatment or to drain to a treatment facility as allowed under Clean Water Services standards. (Site Development Div./JJD)
14. Provide plans for street lights (Option C) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
15. Submit a revised plan that shows the required minimum number, location, and design of short-term and long-term bicycle parking (Beaverton Development Code Section 60.30.10.5). (Transportation/LP)
16. Submit a plan detail that demonstrates compliance with the site distance and corner clearance standards of the Engineering Design Manual (Section 210.10). (Transportation/LP)

17. Fire Apparatus Access Road Distance From Building and Turnarounds: Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1) This requirement is modified with the installation of fire sprinklers in all buildings. (TVF&R/JF)
18. Fire Apparatus Access Road Exception for Automatic Sprinkler Protection: When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (OFC 503.1.1) All buildings must be provided with a fire sprinkler system as currently proposed. (TVF&R/JF)
19. Fire Apparatus Access Road Width and Vertical Clearance: Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (12 feet for up to two dwelling units and accessory buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where fire apparatus roadways are less than 26 feet wide, "NO PARKING" signs shall be installed on both sides of the roadway and in turnarounds as needed. Where fire apparatus roadways are more than 28 feet wide but less than 32 feet wide, "NO PARKING" signs shall be installed on one side of the roadway and in turnarounds as needed. Where fire apparatus roadways are 32 feet wide or more, parking is not restricted. (OFC 503.2.) The fire district does not endorse the design concept wherein twenty feet of unobstructed roadway width is not provided. (TVF&R/JF)
20. Fire Apparatus Access Roads with Fire Hydrants: Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC D103.1) (TVF&R/JF)
21. No Parking Signs: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6) (TVF&R/JF)
22. Surface and Load Capacities: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1) (TVF&R/JF)
23. Turning Radius: The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & 103.3) (TVF&R/JF)
24. Painted Curbs: Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall

have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3) (TVF&R/JF)

25. Commercial Buildings-Required Fire Flow: The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (OFC B105.3) Please provide a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as City of Beaverton Building Services. Fire flow calculation worksheets as well as instructions are available on our web site at www.tvfr.com. (TVF&R/JF)
26. Fire Hydrants-Commercial Buildings: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system. (OFC 507.5.1) (TVF&R/JF)
27. Fire Hydrant Number and Distribution: The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1. (TVF&R/JF)

Considerations for placing fire hydrants may be as follows:

- a) Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
 - b) Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
 - c) Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
 - d) Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.
28. Private Fire Hydrants: To distinguish private fire hydrants from public fire hydrants, private fire hydrants shall be painted red. (OFC 507.2.1, NFPA 24 & 291) (TVF&R/JF)
29. Fire Hydrant Distance from an Access Road: Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (OFC C102.1) (TVF&R/JF)
30. Reflective Hydrant Markers: Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1) (TVF&R/JF)

31. Physical Protection: Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6) (TVF&R/JF)
32. Clear Space Around Fire Hydrants: A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5) (TVF&R/JF)
33. Fire Hydrant/Fire Department Connection: A fire hydrant shall be located within 100 feet of a fire department connection (FDC). Fire hydrants and FDCs shall be located on the same side of the fire apparatus access roadway and or drive aisle. FDCs shall normally be remote except when approved by the fire code official. Fire sprinkler FDCs shall be plumbed to the fire sprinkler riser downstream of all control valves. Each FDC shall be equipped with a metal sign with 1 inch raised letters and shall read, "AUTOMATIC SPRINKLERS OR STANDPIPES" or a combination thereof as applicable. (OFC 912.2) Fire department connections must be remote from the building and be along the designated fire lane. (TVF&R/JF)
34. Angle of Approach and Departure: The angles of approach and departure for fire apparatus roads shall not exceed 8 Degrees. (OFC 503.2.8, NFPA 1901) (TVF&R/JF)
35. All plan sheets shall be consistent with the site layout as shown on EX4.6 'Truck Movements Through Commercial Area' plan sheet. (Planning/JF)

C. Prior to building permit issuance, the applicant shall:

36. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
37. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
38. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed. (Site Development Div./JJD)
39. The proposed project shall comply with the State of Oregon Building Code in effect as of date of application for the building permit. This currently includes the following: The 2009 edition of the International Building Code as published by the International Code Conference and amended by the State of Oregon (OSSC); The 2009 edition of the International Residential Code as published by the International Code Conference and amended by the State of Oregon (ORSC); 2009 International Mechanical Code as published by the International Code Council and amended by the State of Oregon (OMSC); the 2009 edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and amended by the State of Oregon (OPSC); the 2011 edition of the National Electrical Code as published by the National Fire Protection Association and amended by the State of Oregon; and the 2009 International Fire Code as published by the International Code Council and amended by Tualatin Valley Fire and Rescue (IFC). (Building/BR)
40. The City offers phased permits, for foundation/slabs, structural frame, shell and interior build-out (TI). An applicant desiring to phase any portion of the project must complete the Tri-County Commercial Phased Project Matrix or each phased portion. This form is available at the Building Division counter or may be printed from the Forms/Fee Center at www.beavertonoregon.gov Note: Except private site utilities

(potable water, sanitary and storm sewer lines), Excavation and Shoring, Site Utilities and Grading are not permits issued by the Building Division and therefore are not part of the City's phased permit process. (Building/BR)

41. Plan submittals may be deferred as outlined in the Tri-County Deferred Submittals list. Each deferred submittal shall be identified on the building plans. This list is available at the Building Division counter or may be printed from the Forms/Fee Center at www.beavertonoregon.gov. Permit applicants are responsible for ensuring that deferred plan review items listed on the plans are submitted for approval well in advance of the need to begin work on that portion of the project (anticipate a minimum of three weeks plan review turnaround time for tenant improvement and six weeks plan review turnaround for new construction projects). No work on any of the deferred items shall begin prior to the plans being submitted, reviewed and approved. (Building/BR)
42. Unless they are identified as a deferred submittal on the plans, building permits will not be issued until all related plans and permits have been reviewed, approved, and issued (i.e., mechanical, plumbing, electrical, fire sprinkler systems, fire alarm systems, etc. (City policy) ☐ Projects involving new buildings and additions are subject to System Development fees. A list of the applicable fees is available at the Building Division counter or may be printed from the Forms/Fee Center at www.beavertonoregon.gov. (Building/BR)
43. The building code plans review can run concurrent with the Design Review (DR) and site development review. (Building/BR)
44. Addition of plumbing fixtures may require payment of sanitary sewer system development fees (credit is given to plumbing fixtures that are removed). (Building/BR)
45. Applications/plans for building permit/plan review can be submitted at any time during the entitlement process; however, permits cannot be issued until applicable approvals (Planning, Site Development, etc...) have been received. (Building/BR)
46. A separate plumbing permit is required for installation of private on-site utilities (i.e., sanitary sewer, storm sewer, water service, catch basins, etc. If the applicant desires to install those types of private utilities during the same period as the "Site Development" work, a separate plumbing application must be submitted to the Building Services Division for approval. (Building/BR)
47. Any businesses related to food preparation are required to have a grease trap/interceptor. The type and size are determined by the State Plumbing Code. Please contact the Fats/Oil/Grease (FOG) specialist for maintenance requirements (503) 526-3701. (Building/BR)
48. The proposed building(s) shall be accessible to persons with disabilities. (Chapter 11, OSSC) (Building/BR)
49. An accessible route shall be provided to persons with disabilities throughout the site. (Section 1103, OSSC) (Building/BR)
50. An accessible route shall be provided to persons with disabilities from the building to a public way. (Section 1103, OSSC) (Building/BR)

D. Prior to final inspection of any building permit, the applicant shall:

51. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the house frontage. (Site Development Div./JJD)
52. Resolve design and/or conflicts with refuse disposal/recycling hauler that would preclude adequate service of refuse and recycling containers for all units of the development. (Planning Division/JF)
53. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning Div./JF)
54. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning Div./JF)
55. Ensure all landscaping approved by the decision making authority is installed. (Planning Div./JF)
56. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning Div./JF)
57. Ensure that the planting of all approved deciduous trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Deciduous trees shall have straight trunks and be fully branched, with a minimum caliper of 1-1/4 inches and a minimum height of 8 feet at the time of planting, except that dwarf and compact varieties may be may be approved at any size. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Planning Div./JF)
58. All mechanical units, roof of ground mounted, must be screened from view of public streets and adjacent properties. (Planning Div./JF)

E. Prior to release of performance security, the applicant shall:

59. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
60. Submit any required on-site easements not already dedicated on the subdivision plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor

shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)

61. Submit plans and execute right of way dedication for the NW Cedar Falls Drive travel lanes (between 24' and 36'); and execute a public access easement for the parking and sidewalk area between the NW Cedar Falls Drive travel lanes and buildings C, D, E, and F. (Transportation/LP)

